



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,582	08/14/2000	Bob M. Ayers	07844-367001	1726

21876 7590 04/06/2004

FISH & RICHARDSON P.C.
3300 DAIN RAUSCHER PLAZA
MINNEAPOLIS, MN 55402

EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 04/06/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/639,582

Applicant(s)

AYERS, BOB M.

Examiner

Cong-Lac Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: amendment filed 1/12/04 to the application filed on 8/14/00.
2. Claims 1-12 are pending in the case. Claims 1 and 7 are independent claims.

Drawings

3. Acknowledgment is made of the formal drawings filed on 1/12/04.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent 7, the claim, as amended, recites "identifying a page layout template having a plurality of dimensions including one or more variable dimensions, *the template* lacking a size specification for the variable dimensions *and including at least one box* having one or more adjustable metrics in the variable dimensions specifying at least one of the size of the box and a distance from the box to any other boxes, wherein the adjustable metrics of the at least one box include a synthesized

Art Unit: 2178

metric, a synthesized metric being a metric whose value is defined as a function of the size of the one or more boxes contained within the at least one box.”

As defined in the claim, the at least one box is one of the boxes included in the page layout template. It is unclear why a synthesized metric whose value is defined as a function of the size of “one or more boxes contained within the at least one box” and it is *contradicted to the disclosure of figures 2 and 4* since the at least one box in the figures is box #204 or box #206 (#404 or #406) *included in the layout template #202 (or #402), and there is no box contained in said at least box #204 or #206 (#404 or #406) as claimed.*

Independent claim 1 is rejected under the same issue.

Dependent claims 2-6, 8-12 are rejected for fully incorporating the deficiencies of their base claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Art Unit: 2178

7. Claims 1-12 remain rejected under 35 U.S.C. 102(e) as being anticipated by Microsoft PowerPoint 2000, Copyright 1987-1999 Microsoft Corporation, referred as PowerPoint, screenshots, pages 1-7.

Regarding independent claim 7, PowerPoint discloses:

- identifying a page layout template having a plurality of dimensions including one or more variable dimensions, the template lacking a size specification for the variable dimensions and including at least one box having one or more adjustable metrics in the variable dimensions specifying at least one of a size of the box and a distance from the box to any other boxes, *wherein the adjustable metrics of the at least one box include a synthesized metric, a synthesized metric being a metric whose value is defined as a function of the size of one or more boxes contained within the at least one box* (pages 2-4: the page layout template has two variable dimensions, width and height, the template lacking a size specification for variable dimensions; page 5: the template has at least one box "Click to add title" having adjustable metrics in the variable dimension specifying at least one of the size of the box and the distance from this box to the lower box; the adjustable metrics of the at least one box include a synthesized metric whose value is defined as the size of one or more boxes contained in the big box of the whole page layout template)
- fixing a size for each variable dimension of the template (page 4; user can fix a size for each variable dimension by entering a desired number in the height box or the width box)

Art Unit: 2178

- adjusting the metrics of the box based on the sizes (page 5: user can click on the corners or the middle points of each size of the box to adjust the metrics of the box)

Regarding claim 8, which is dependent on claim 7, PowerPoint discloses the page layout template includes a plurality of boxes having a hierarchical relationship, and wherein the adjusting step comprises adjusting the metrics of the boxes in hierarchical order (page 2: the page layout template includes two sibling boxes having hierarchical relationship; page 5: adjusting the metrics of the upper and lower boxes).

Regarding claim 9, which is dependent on claim 8, PowerPoint discloses adjusting the metrics of the boxes independently in each dimension (pages 5-6).

Regarding claim 10, which is dependent on claim 8, PowerPoint discloses adjusting the metrics of the boxes, first in the one dimension, and then in another dimension (pages 2 and 5: the metrics of the boxes are adjusted in one dimension, and then in another dimension in page 5 compared with page 2).

Regarding claim 11, which is dependent on claim 10, PowerPoint discloses terminating adjusting of a particular box and its child boxes in a given dimension at a hierarchical layer when the particular box has a synthesized size in the given dimension (pages 5-6: the adjustment of the upper box and the lower box is considered terminated when reached to a desired size).

Art Unit: 2178

Regarding claim 12, which is dependent on claim 11, PowerPoint discloses flowing content into the boxes (pages 6-7: entering data in the upper box).

Claims 1-6 are for a system of method claims 7-12, and are rejected under the same rationale.

Response to Arguments

8. Applicant's arguments filed 1/12/04 have been fully considered but they are not persuasive.

Applicants argue that PowerPoint fails to anticipate claim 1 since PowerPoint does not disclose a page layout template that includes at least one box having one or more adjustable metric wherein the adjustable metrics include a synthesized metric whose value is defined as a function of the size of one or more boxes contained within the at least one box.

Examiner respectfully disagrees.

PowerPoint does disclose a page layout template that includes at least one box "Click to add title" or "Double click to add org chart" having adjustable metric including a synthesized metric whose value is defined as a function of the size of one or more boxes contained within at least one box, which is the box of the whole page template.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2178

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Joseph (US Pat No. 5,873,106, 2/16/99, filed 9/18/95).

Kraus et al. (US Pat No. 6,266,684 B1, 7/24/01, filed 8/6/97).

Seaman et al. (US Pat No. 6,620,206 B1, 9/16/03, filed 1/27/99).

Sears, AIDE: A step toward metric-based interface development tools, ACM 1995, pgs 101-110.

Peels et al., Document Architecture and Text Formatting, ACM 1985, pgs 374-369.

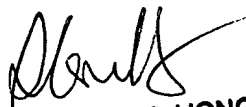
Art Unit: 2178

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clh
3/27/04


STEPHEN S. HONG
PRIMARY EXAMINER